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ABSTRACT

In response to requests from Texas institutions of higher education to establish additional legal education programs, the Coordinating Board, Texas College and University System in October 1972, appointed two groups to undertake a cooperative study to assist in determining whether or not additional opportunities for legal education were needed in Texas and, if so, how that need could best be met. The four broad questions posed to committee were: (1) Is there a need for more opportunities for legal education? (2) Does the State of Texas have need for more practicing attorneys and/or legally-trained persons? (3) What are the employment opportunities for persons with legal education; and (4) What is the present cost of legal education and what would be the projected costs to the State for the expansion of legal education? To answer the broad questions the Coordinating Board had asked, the committee embarked on two major independent studies: (1) to determine how many qualified Texas residents are seeking admission to Texas law schools only to be denied, and (2) to determine the employment opportunities for graduates of Texas law schools, as perceived by members of Texas law firms. The committee also studies: costs of setting up law libraries, costs of law school facilities, status of parttime legal education, law courses offered outside law schools, and accessibility of legal assistance to the poor and the middle class. (Author/PG)

ED 087360

LAWYERS FOR TEXAS

A Study of Legal Education in Texas

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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cb Study Paper 14

Coordinating Board, Texas College and University System
Austin, Texas • April, 1973

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April 1973

LAWYERS FOR TEXAS

A Study of Legal Education in Texas

CB Study Paper 14

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Foreword

In response to requests from Texas institutions of higher education to establish additional legal education programs, the Coordinating Board, Texas College and University System in October, 1972, appointed two groups to undertake a cooperative study to assist in determining whether or not additional opportunities for legal education were needed in Texas and if so, how that need could best be met.

An 8-member Advisory Committee on Legal Education, made up of outstanding Texas attorneys, agreed to conduct the study and to make recommendations to the Coordinating Board based on the results of their work. The Committee was assisted by a Task Force on Legal Education, made up of deans of existing Texas law schools and representatives from Texas institutions which were requesting Coordinating Board approval to establish new programs in legal education.

The members of these two groups, assisted by the Coordinating Board staff, have produced a report which we believe has significance not only for the State of Texas but for the nation. The Coordinating Board is pleased to present the Legal Education Committee's report as one of its continuing series of study papers. The Board's Study Paper Series is designed to make available to the Texas academic community, to members of the executive and legislative branches of Texas government, and to interested citizens the results of education research projects undertaken by or for the Board.

The Coordinating Board and its staff express appreciation to the legal Education Advisory Committee and to the Task Force on Legal Education for this important contribution to the work of the Board.

BEVINGTON REED
Commissioner of Higher Education

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Overview

In the early 1970's an abundance of qualified students were seeking admission to law school. The status of law, gaining for at least a decade, was at a high point. Students increasingly were turning to legal studies as a powerful tool for improving American society.

This, then, was the climate in the United States and in Texas that prompted four Texas universities in 1972 to present five requests to the Coordinating Board, Texas College and University System for new or expanded legal education programs. Three of the requests were for new law schools.

Negative reaction to the requests ensued. The legal profession in Texas, almost unanimously, warned that the profession was becoming overcrowded; that the prospects of no-fault insurance and no-fault divorce would lessen demands for attorneys; and that many young attorneys were having difficulty earning a livelihood. Deans of Texas' eight existing law schools forecast a decline in number of applicants, citing projections for a leveling-off in the number of baccalaureate degrees to be granted during the next few years and improvements in the employment situation in other professions. The deans warned that the quality of the law school product would decline if law school places outnumber qualified applicants to fill them. The deans expressed concern that unqualified applicants would be admitted just to keep the law schools operating at full capacity.

In Fall, 1972, the eight Texas law schools were operating at capacity with 5,617 students enrolled—up from 5,357 the year before.

In October, 1972, the Coordinating Board enlisted the assistance of an eight-member Advisory Committee on Legal Education to study and weigh the many bits of information about the need or lack of need for more opportunities for legal education in Texas. The Coordinating Board asked the Committee to study the proposals of the insitutions requesting new legal education programs and make specific recommendations concerning their disposition. In addition, the Coordinating Board posed four broad questions to the Committee:

(1) Is there a need for more opportunities for legal education? Are students applying to enter law schools and finding space not available?

(2) Does the State of Texas have need for more practicing attorneys and/or more legally-trained persons? Would the creation of more opportunities for legal education serve the public interest?

(3) What are the employment opportunities for persons with legal education; what are they now, and what are the employment prospects for increasing numbers of law graduates?

(4) What is the present cost of legal education and what would be the projected cost to the State for expansion of legal education?

The Advisory Committee was chaired by Leon Jaworski, past-president of the American Bar Association, who had appointed the Task Force that produced the *ABA's Report on Professional Utilization,* a document which indicated that the legal profession in the nation could absorb the law graduates currently being produced by existing law schools. Mr. Jaworski, member of the firm of Fulbright, Crooker & Jaworski, of Houston, asked that the Texas situation be compared with the national situation reported by the Task Force.

Other members of the Advisory Committee, all attorneys, were:

Joe Bruce Cunningham
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Fort Worth, Texas

Richard D. Haynes
Haynes & Boone
Dallas, Texas

Paul H. Hubbard
Naman, Howell, Smith & Chase
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In addition to assistance from the Coordinating Board staff, the Advisory Committee has available in-

formation and resources of the deans of the eight existing law schools—four public and four private—in the state. The law school deans and representatives of the institutions requesting law schools comprised a Task Force on Legal Education.

The three institutions requesting new law schools were Texas A&M University, The University of Texas at Dallas, and North Texas State University. North Texas State University also applied for a Department of Legal Studies, and Southern Methodist University asked to contract with the State of Texas to provide legal education for Texas residents in the North Texas area.

The four public law schools in the State are: The University of Texas Law School at Austin; Texas Southern University Law School, Houston; the University of Houston Law School, Houston; and Texas Tech University Law School, Lubbock. The four private law schools are: Baylor University School of Law, Waco; Southern Methodist University Law School, Dallas; St. Mary's University Law School, San Antonio; and South Texas College of Law, Houston.

To answer the broad questions the Coordinating Board had asked, the Advisory Committee, with staff assistance, embarked on two major independent studies: (1) to determine how many qualified Texas residents are seeking admission to Texas law schools only to be denied, and (2) to determine the employment opportunities for graduates of Texas law schools, as perceived by members of Texas law firms. In addition to these data-gathering enterprises, the Advisory Committee studied:

- Plans for expansion of existing law schools in the State
- Operating costs of existing law schools
- Costs of setting up law libraries
- Costs of law school facilities
- Status of part-time legal education in the State
- County-by-county ratio of lawyers to population
- Law courses offered outside of law schools
- *New Dimensions in Legal Education,* the report on legal education of the Carnegie Commission on Higher Education
- State Bar of Texas and State Junior Bar of Texas position papers on legal education
- Accessibility of legal assistance to the poor and the middle-class
- Social changes affecting the kinds of legal services needed

Are Places Available for Qualified Applicants?

Before answering the question of availability of law school places, the Advisory Committee and Task Force wrestled with the related questions: "What is 'qualified'?" "Who is 'qualified'?"

These questions never were answered to the satisfaction of all, but for purposes of this study, "a qualified person" is one whose combination of scores (Law School Admission Test score, Grade Point Average, Writing Ability score, and other criteria required by individual institutions) is adequate for admission to at least one Texas institution to which he or she applied.

The deans of seven of the eight existing law schools in Texas provided the staff with status information on the 13,174 applications received by the law schools from persons seeking admission in September, 1972. (Dean Otis King of Texas Southern University Law School, after consultation with the staff, elected not to submit the status data. Need for more space at Texas Southern University Law School and for increased resources for that institution is supported by data largely unrelated to the central question being studied here: Is there a need for more law schools in Texas?)

Information supplied by the seven deans included social security number of each applicant; age; sex; marital status; state of residence; name of institution where baccalaureate degree was earned; applicants' scores on Law School Admission Test, their undergraduate grade point average, and scores on writing ability test; the scores or combinations of scores the Texas law schools require for admission; and the decision (enrolled, denied, or not denied).

With these data available, the staff devised computer programs to answer specific questions raised by the Advisory Committee:

(1) How many *individuals* applied for entry into Texas Law schools?

(2) Is there a significant number of multiple applications?

(3) How many "qualified" applicants to Texas law schools are being denied entrance?

(4) Are there indications that the number of qualified applicants is sufficient to support another state-supported law school in Texas?

(5) From which institutions in Texas are law school candidates graduating—receiving their baccalaureate degrees?

(6) What is the demand from out-of-state students for admission to Texas law schools?

'ONE-SCHOOL-OR-NONE' FACTOR

Candidates who applied for admission to more than one Texas law school considerably improved their chances for acceptance.

Although a total of 13,174 applications for admission in Fall 1972 were received by seven Texas law schools, the applications represented only 8,360 individuals. Thus, 4,814 of the applications received were multiple applications from the same candidates. (See Table 1)

Of the 8,360 individuals seeking admission, 1,391 (17 percent) were enrolled in Texas law schools in September 1972, and another 2,533 (30 percent) were "not denied" admission. The "not denied" category includes those candidates who either were accepted but not enrolled or who did not follow through on their applications. A total of 4,436 (53 percent) of the applicants were denied admission.

Sixty-seven percent (5,614) of the 8,360 individuals seeking admission in Fall 1972 made only one application to one law school; 33 percent (2,746) applied to two or more institiutions. Only 621 (11 percent) of the one-school-or-none applicants were enrolled, while a total of 770 candidates (28 percent) of the 2,746 who applied to more than one institution enrolled in Fall 1972. An additional 1,365 (24 percent) of the one-school-only applicants were "not denied" admission, while 3,628 (65 percent) were denied admission. For the individuals who applied to more than one law school, the denial rate dropped to 29 percent, with an additional 43 percent "not denied" admission.

Of those making two or more applications, the average number of applications per candidate was 2.8. Those in this category who were enrolled averaged three applications.

A grand total of 5,617 law students were enrolled in Texas law schools (all three classes) in Fall 1972, an increase of 260 students over the previous year. (See Table 2.) (The seven law schools report a total of 1,738 in their first year classes. In addition to the 1,391 accepted for Fall 1972, this figure includes 347 previously enrolled students about whom data were not collected for this study. . .some enrolled in spring and summer classes and others were part-time students who had not yet attained second year status).

TABLE 1

Statewide Summary of Candidates to Texas Law Schools
By Number of Applications Per Candidate
Fall, 1972

CANDIDATES APPLYING ONLY TO ONE LAW SCHOOL

	Applied	Not Denied*	Enrolled	Denied
Male	4,993	1,193	517	3,283
		24%	10%	66%
Female	621	172	104	345
		28%	17%	56%
Total	5,614	1,365	621	3,628
		24%	11%	65%

CANDIDATES APPLYING TO TWO OR MORE LAW SCHOOLS

Male	2,519	1,079	698	742
		43%	28%	29%
Female	227	99	72	56
		59%	32%	29%
Total	2,746	1,168	770	808
		43%	28%	29%
Average Number of Applications per Candidate	2.753	2.830	3.018	2.390

TOTAL — ALL CANDIDATES

	Applied	Not Denied*	Enrolled	Denied
Male	7,512	2,272	1,215	4,015
		30%	16%	54%
Female	848	261	176	411
		31%	21%	48%
Total	8,360	2,533	1,391	4,436
		30%	17%	53%

*Not Denied—Candidates who were accepted but did not enroll plus those who screened themselves out before completing application and before receiving admission decision.

TABLE 2

Headcount Enrollments
Texas Law Schools
Fall 1967-Fall 1972

	Fall 1967			Fall 1968			Fall 1969			Fall 1970			Fall 1971			Fall 1972		
Public	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
The Univ. of Texas	1,443	59	1,502	1,256	81	1,337	1,351	104	1,455	1,463	126	1,589	1,506	147	1,653	1,395	177	1,572
Tex. Southern Univ.	54	10	64	76	11	87	128	21	149	192	36	228	185	50	235	231	53	284
Univ. of Houston	469	21	490	394	32	426	450	35	485	705	51	756	755	65	820	702	97	799
Texas Tech Univ.	65	4	69	106	6	112	168	16	184	255	17	272	331	26	357	393	32	425
Subtotal	2,031	94	2,125	1,832	130	1,962	2,097	176	2,273	2,615	230	2,845	2,777	288	3,065	2,721	359	3,080
Private																		
Baylor Univ.	269	3	272	265	9	274	283	12	295	314	11	325	353	18	371	355	22	377
St. Mary's Univ.	366	11	377	358	24	382	393	27	420	434	28	462	501	31	532	555	40	595
South Texas College of Law (Houston)	551	25	576	533	22	555	552	25	577	691	26	717	723	33	756	763	40	803
Southern Methodist Univ.	550	33	569	N/A	N/A	—	498	37	535	550	37	587	590	43	633	701	61	762
Subtotal	1,722	72	1,794				1,726	101	1,827	1,989	102	2,091	2,167	125	2,292	2,374	163	2,537
GRAND TOTAL	3,753	166	3,919	Inc.	Inc.	Inc.	3,823	277	4,100	4,604	332	4,936	4,944	413	5,357	5,095	522	5,617

Seventy-three percent of the women applying for admission applied to only one law school, while 66 percent of the men made only one application. Women were markedly more successful than men in enrolling in law school when they made only one application, with 17 percent enrolling. Only 10 percent of the men applying to only one law school were enrolled.

HOW 'QUALIFIED' APPLICANTS FARED

A total of 2,257 individuals out of the 8,360 applying presented index scores (based on quantitative admission criteria) which met minimum admission requirements of at least one of the Texas law schools to which they were applying in September 1972. Scores presented by the other 6,103 applicants were below minimum admission requirements of each institution to which they applied. (See Table 3)

The "index score" includes different factors at different institutions, but is a combination of the applicant's scores and considers performance on the Law School Admission Test, grade point average, Writing Ability examination, and other criteria as required by the individual institution. Also, each institution establishes its own admissions standards, including cut-off scores for determining "adequate" and "inadequate" performance. Therefore, if an applicant has applied to more than one law school, his score may have been "adequate" for one but "inadequate" for another.

In addition to the quantitative measures used by all the law school admission officers, other qualifications also are considered. These include maturity, goals, dedication to the law as a career, recommendations from professors and associates, and other factors which indicate that the candidate appears to have or not to have the potential for success in law school and in the legal profession.

"Law schools in Texas can always raise the quality of their products by the in-depth investigation of the character, integrity, and leadership qualities of the applicant. . . Texas law schools must not lose sight of the whole man as defined by the philosophers of old," suggests Dean Ernest Raba of St. Mary's University School of Law in discussing ways to increase quality of legal education.

Only 102 Texas residents with required index scores were denied admission outright. However, an additional 895 qualified applicants—433 Texans and 462 out-of-state students—were "not denied" admission. If all of these 895 students had accepted admission offers or had followed through on their applications, the number of places in Texas law schools would have fallen woefully short of the demand by qualified applicants. Some of these qualified applicants who were "not denied" admission were placed on waiting lists; some did not pay fees or fulfill other admission requirements. Individual follow-up would be required to find out why the 895 did not accept or continue to pursue admission offers. Did they attend out-of-state law schools? Did they select another career? Did financial or personal problems enter in?

Of the 4,436 applicants who were denied admission to Texas law schools, 369 had presented adequate scores—102 of these were Texans and 267 were out-of-state applicants. The remaining 4,067 applicants who were denied admission had presented inadequate scores—1,277 residents and 2,790 non-residents.

The large number of out-of-state applicants presenting inadequate index scores is partially explained by differing admission requirements. State-supported law schools give preference to Texas residents in their admission policies. For example, The University of Texas Board of Regents restricts enrollment of non-residents to 15 percent of the total. Also, The University of Texas' required index score for residents is 1190, while it is 1350 for non-residents.

Had the non-resident applicants been evaluated by the same criteria used for resident applicants, 95 of the 177 non-residents who did not meet non-resident criteria but were enrolled in Texas law schools did, in fact, present scores which would have been considered adequate for resident applicants. By the same standard, 285 of the 2,790 non-residents with "inadequate" index scores who were denied admission also presented scores which would have been considered adequate by resident standards. Therefore, if non-residents and residents were evaluated by the same criteria, the number of qualified non-resident applicants who were refused admission would have increased from 267 to 552. In other words, there are considerably more qualified out-of-state students seeking admission to Texas law schools than those schools can accept.

Of the 1,391 who were enrolled in a Texas law school in Fall 1972:

766 were Texas residents with adequate index scores,

221 were Texas residents with inadequate index scores,

227 were non-residents with adequate index scores, and

177 were non-residents with inadequate index scores.

TABLE 3

Profile of Candidates for Admission to Texas Law Schools
And Summary of Admissions Decisions
Fall 1972

	Adequate Index Scores*				Inadequate Index Scores			
TEXAS RESIDENTS**	**Applied**	**Not Denied**	**Enrolled**	**Denied**	**Applied**	**Not Denied**	**Enrolled**	**Denied**
Male	1,095	354	651	90	2,138	864	192	1,082
		32%	59%	9%		40%	9%	51%
Female	206	79	115	12	306	82	29	195
		38%	56%	6%		27%	9%	64%
Total	1,301	433	766	102	2,444	946	221	1,277
		33%	59%	8%		39%	9%	52%
NON-RESIDENTS**								
Male	873	412	208	253	3,406	642	165	2,599
		47%	24%	29%		19%	5%	76%
Female	83	50	19	14	253	50	12	191
		60%	23%	17%		20%	5%	75%
Total	956	462	227	267	3,659	692	177	2,790
		48%	24%	28%		19%	5%	76%
COMBINED RESIDENTS AND NON-RESIDENTS								
Male	1,968	766	859	343	5,544	1,506	357	3,681
		39%	44%	17%		27%	6%	67%
Female	289	129	134	26	559	132	41	386
		45%	46%	9%		24%	7%	69%
Total	2,257	895	993	369	6,103	1,638	398	4,067
		40%	44%	16%		27%	7%	66%

Note: "Index Score" is a combination of scores applicants present based on the Law School Admission Test, Grade Point Average, Writing Ability examination, and other quantitative measures as required by the individual institutions.

*Most positive score considered. Applicants who presented scores which met the minimum requirements at any one of the Texas institutions to which they applied were included in this tabulation as having presented "Adequate Index Scores."

**Unduplicated figures; the figures represent individuals, not applications.

FIRST-YEAR ENROLLMENT DOWN, NATIONWIDE

Throughout the nation total enrollment in the 149 law schools approved by the American Bar Association rose from 94,468 in the Fall of 1971 (147 schools) to 101,707 in the Fall of 1972, an increase of 7.1 percent. However, first-year enrollment decreased during the same period from 36,177 to 35,131, a drop of 1,040 students, or 2.9 percent, according to Millard H. Ruud, consultant on legal education to the ABA and professor of law at The University of Texas at Austin. The most significant increase took place in the third year class, growing from 22,404 in 1971 to 28,311 in 1972. This represents an increase of 5,907 or 26.3 percent and reflects the very substantial increase in the size of the first-year class in 1970 over that of the previous year.

The enrollment figures for the first-year class in approved law schools are noteworthy. If the 586 students enrolled in the two newly approved law schools—Baltimore and Pepperdine—were excluded, a decrease of 1,626 would have been experienced. In other words, the 147 ABA approved law schools of 1971 decreased their first-year enrollment by 1,626, or 4.5 percent. This occurred at a time when the demand for legal education, as measured by administrations of the Law School Admission Test, was increasing by nearly 12 percent. A survey of the law schools that reported a decrease of 10 percent or 20 students in their first-year class shows that this decrease was the product of a conscious decision by these law schools. Most of the schools reported that in the last year or two they had intentionally or inadvertently admitted a larger than normal entering class. To hold the total enrollment at a number that could be adequately served by the present full-time faculty and the law school's facilities, the fall 1972 entering class was reduced in size.

The law schools are filled to capacity. For the first time the Fall 1970 ABA Law School Questionnaire asked the law schools how many additional students they would have enrolled in their Fall 1970 entering class had additional qualified applicants made timely application. Only 16 of the 140 responding law schools reported that they would have taken additional students. The 659 "unfilled seats" represented less than 2 percent of the Fall 1970 first-year enrollment. In the Fall of 1971, only three schools reported any "unfilled seats;" these 87 places represented 0.2 percent of the first-year enrollment. In the Fall of 1972, only two schools reported having "unfilled seats" and the 27 places represented less than 0.1 percent of the first-year enrollment.

Again in 1972, a significant increase in the number of women students was experienced. The total number of women studying law in the 149 ABA approved law schools rose from 8,914 in 1971 to 12,172 in Fall 1972, an increase of 3,158 or 35.9 percent. The first-year class grew from 4,326 women in 1971 to 5,508 in 1972—a 1,182, or 27.3 percent increase.

Would the Creation of More Opportunities for Legal Education Serve the Public Interest?

The "public interest" may be defined in several ways—availability of competent legal services at just prices, a legal profession working to correct inequities and inconsistencies in the administration of justice, state-supported legal education that provides excellence in education at a fair cost to taxpayer and student, and broad enough availability of legal education so no potential John Marshall or Oliver Wendell Holmes goes unnoticed and uneducated.

Many "publics" and many "interests" are involved in this question. Some conflict with others.

Legal educators and practicing attorneys agree that the delivery system for legal services needs attention, with both middle class and the poor needing legal services they cannot afford. Both groups are unconvinced, however, that more lawyers would create more services. They believe the delivery system can be improved and will be—but not overnight. Among the solutions possible, now being studied by the State Bar of Texas, are pre-paid and/or group legal insurance, well-trained paralegal personnel working under the direct supervision of attorneys, and better information dissemination to the public about the kinds of assistance attorneys can provide to save clients' money and prevent problem situations.

Reform or restructuring of legal education also is often suggested as a necessary step in insuring better delivery of legal services. Different, not more, legal education is the center of this argument. More clinical experience during the law school years is one of several curricular reforms suggested by the Carnegie Commission on Higher Education in its report on legal education. Such reforms will be expensive—clinical experiences require considerably more faculty members as well as time-consuming and potentially sensitive liaisons with community agencies. Another trend predicted by the authors of the Carnegie Commission report is legal specialization and certification for legal specialists, as in the medical profession for medical specialists.

The Constitutional guarantee that due process of law shall be observed in all criminal cases and recent court decisions that all accused persons, whether they be juveniles or adults, have the right to counsel have placed new responsibilities on the legal profession and on legal education.

The Advisory Committee found that many lawyers with no experience in criminal law are finding themselves "rotated" into criminal defense roles. It is possible for a law student to graduate and pass the State Bar Examination without ever having a course in the art of advocacy. The general run of lawyers appointed to practice before criminal courts are not Clarence Darrows, and often do their clients little good.

Texas law firms responding to a Coordinating Board questionnaire (306 responded from a sample of 830) placed Criminal Law eighth in rank order of practice specialty. Estates and Probate led the list, followed by Real Estate, Domestic Relations, Trial Work (other than Personal Injury), Corporations, Personal Injury, Plaintiff, Workmen's Compensation, and Criminal Law.

Following is a rank order list of the practice specialties listed by Texas law firms, and the number of times mentioned. Most firms listed more than one specialty.

Estates and Probate	235
Real Estate	205
Domestic Relations	185
Trial Work (Other than Personal Injury)	174
Corporations	170
Personal Injury, Plaintiff	164
Workmen's Compensation	148
Criminal Law	102
Banking	98
Personal Injury, Defense	98
Appellate Work	89
Taxation	76
Oil and Gas	76
Bankruptcy	59
Municipal Corporations	48
School Districts	36
Labor Relations	30
Admiralty	16
Patent and Trademark	15
Water Law	15
Public Utility	10
Antitrust	4
Securities	4
Eminent Domain	2
Railroad	1
Mining Law	1
Military Law	1
Employee Fringe Benefits	1
Products Liability	1
Franchising	1

Through the questionnaire, the staff attempted to address the question of whether more legal education opportunities would serve the "public interest". The questionnaire asked how the lawyers in the firms perceive their client loads as well as their staffing needs.

In studying the "public interest" question, the staff also sent questionnaires to the Office of Economic Opportunity-financed legal aid offices to determine what services presently are available to the poor in Texas; compiled readings on legally-related advocacy needs of the public—preventive law; studied recent court decisions and sociological trends forecasting new and more roles for attorneys; studied Texas' position in relation to other states in the production of new attorneys; studied the Texas law school deans' thoughtful answers to Mr. Leon Jaworski's question: "Would another law school increase the excellence of legal education in Texas?"; and studied resolutions from State and County Bar Associations pertaining to legal education.

RESPONSE FROM TEXAS LAW FIRMS

With one possible exception, the 306 Texas law firms responding to the questionnaire believe the current rate of production of new attorneys is adequate to fulfill the state's legal needs. Some suggested that decreased enrollments should be encouraged.

One Dallas respondent suggested that "the Bar needs stricter qualifications to enter and graduate from law school as a start to upgrading professional work. *At least a 25 percent reduction in student levels is in order.*"

NEED FOR QUALITY

Members of the law firms responding reiterated the need for increased quality of law school graduates.

A McAllen respondent suggested, "We need to upgrade some of our law schools instead of creating new ones. . .there does seem to be a differential among law school graduates."

A Longview attorney noted, "It is difficult for me to reconcile the need for increasing quality of legal education required of our present law schools with the needless proliferation of our schools which will certainly not increase the quality of the product. With this many schools, they would all be competing for the same students."

From Colorado City, this comment: "We do not need additional lawyers, only more quality in our lawyers that are coming out of our present schools."

Another attorney suggested, "We strongly believe that any further expenditure for legal education in this State should be to increase the quality, not quantity, of our present law schools. There are presently too many second and third rate law schools in Texas."

From Dallas. "Too many lawyers don't know their way to the Court House."

"Legal education is much too theoretical and not sufficiently practical. For example, in studying wills a student never is given any instruction in preparing a will itself. In courses on real property practical instructions in drawing a real estate note, deed and deed of trust are never taken up."

"A graduate student knows a lot of essential background but cannot put it to practical use," wrote another respondent.

Some few of the respondents suggested that more lawyers will be needed in the future. An example: "More lawyers will be needed for two reasons: (1) so many are not in actual practice, and (2) so many new specialties require legal work." This same respondent said he would "like to see some preference given to attorneys' sons—mine is apprehensive about admission to law school."

EXPANSIONS, CONTRACTIONS PREDICTED FOR LEGAL PROFESSION

As society changes, with complexity giving way to simplicity in some areas and becoming more complex in others, law practice will change. Lawyers, like practitioners in other fields, must remain adaptable.

In an article in the *American Bar Association Journal*, October, 1971, "Lawyers and Law Firms Look Ahead—1971-2000," William J. Fuchs writes about some of these expected changes:

"First, some areas of practice will be reduced in scope. For example, personal injury litigation is most likely to be curtailed through no-fault insurance plans or modifications thereof. Trial by jury may be eliminated for certain classes of civil cases. More disputes will be resolved by arbitration and through governmental administrative procedures.

"Next, other areas of practice may be totally eliminated and surrendered to government officials and lay experts. For example, uncontested divorces and other aspects of domestic relations problems, such as support, may be handled by direct application to a government official (like an 'ombudsman'), without the

assistance or intervention of a private attorney and without the requirement (in many cases) of the proof of fault. Other traditional legal transactions that may be handled by non-attorneys include the routine settlement of small estates, a variety of real estate transactions, simple tax problems and phases of so-called pension planning and estate planning.

"Some law practice may be lost by independent attorneys as government and groups take over. Programs providing free legal services for the poor, like those now conducted by the Office of Economic Opportunity and other government agencies, may be expanded to include the lower-middle-income groups on a complete or part subsidy basis. Group legal services plans, which appear to have been authorized by the Supreme Court on a limited basis for such non-profit organizations as labor unions, may be much more fully exploited than they have been...

"At the same time traditional law practice is being reduced by these events, there will be counterevents. Most lawyers predict there will be a vast increase in law practice because of bigger and bigger government, the envelopment of local and state governments by the Federal Government, the enactment of more statutes, rules, and regulations and the creation of more administrative and other government and quasi-government agencies.

"A vast set of new legal rights (or newly recognized old rights in some cases) will emerge: rights growing out of ecology, including the right not to be harmed by pollution; consumers' rights; students' rights; welfare and other poverty rights; space rights; communication rights; the right to medical care and the right to receive replacement human organs; the right to privacy, especially against 'bugging' through the use of electronic devices; and the whole maze of rights growing out of the struggle of the individual against big government, big business, big charities and big institutions of every kind.

"The field of criminal law will also expand for the lawyer of the immediate tomorrow. Crime seems to be on the rise and will continue to increase until and unless we solve some of the painful social problems that beset our nation. Lawyers will be needed for the defense of criminals more frequently than ever. The Supreme Court of the United States has said the criminal defendants are entitled to representation from the moment of arrest.

"Finally, in any rapidly changing society, as the old passes and the new emerges, the adjustments and the relations of people to one another, the changes in business form, the shifting of population, the transition of wealth—all these create a need for lawyers.

"My survey indicates a general feeling that in the immediate future there will be more, not less, practice for the private attorney...It is readily apparent that the changes forecast by the survey will substantially affect the way in which lawyers will practice. They will use more lay assistants, better office equipment and new devices for communications and research. They will form bigger and new kinds of law firms and resort to increased specialization."

Dentists have progressed much more rapidly than lawyers in turning their practices toward prevention, toward the saving of teeth instead of extraction, toward cavity prevention instead of cavity filling. Just as a semi-annual dental checkup is common practice for the middle-class, so might be a semi-annual legal checkup to determine: Is your will in order? How fares your real estate? What about your insurance? Are you acquainted with the steps to take in case of an automobile accident, in case your child gets into trouble?

The wealthy and the poor have access to at least some preventive law and to advocacy. The middle-class has virtually none. Often it has been pointed out that the person making $10,000 - $15,000 a year cannot afford to litigate. The costs become prohibitive. However, litigation might be avoided if competent attention is directed to problem prevention.

In the November, 1971 issue of the *Columbia Law Review*, Lester Brickman, professor of law at the University of Toledo, suggests that the rise in need for advocacy has been caused by the "increased complexity of society and the concomitant need for perceptive mediators between people and government, the growth of private groups and institutionalized classes and the consequent need for representation of individuals' interests as against those of the group of the institution, and changing expectations in society as to the right of persons and classes to share in the distribution of all values produced by society. Actually, these explanations speak more to the increased needs for lawyering than for lay advocacy; but it must be recognized that the dimensions of the need exceed the pattern of lawyers' conventional practice."

Many recent court decisions, e.g., the ruling that juveniles must be represented by counsel in delinquency hearings and the ruling that landlords cannot confiscate tenants' property for payment of rent, add to the apparent need for more attorneys.

These predicted changes have implications for legal education—both in the regular law school curriculum and in continuing education. Norris Darrell, in a five-part series on "Continuing Legal Educational Developments of the American Law Institute and the American Bar Association," October 29, November 5, 12,19, and

26, 1971, suggests that an attorney should be required to continue his education as a condition of continuing his licensure.

LEGAL EDUCATION AS "SUCCESS" VEHICLE

Study of the law is often cited as an excellent education for the generalist, as necessary education for successful fulfillment of many careers outside the practice of law, e.g., education, social work, architecture, business, real estate, engineering.

More and more people are coming to believe that the lawyer, or the legally-trained person, knows better than others the rules of society, and, thus, is able to play the game more successfully.

Evidence of this is the large number of law courses taught outside schools of law, in the various departments of Texas universities, e.g., in government, in sociology, in business administration, in education, in journalism, in agriculture.

Catalogs of Texas universities list some 375 law courses taught outside law schools. In addition, an apparent need is developing for law courses in architecture (e.g., contracts), in engineering (e.g., pollution and water rights).

These courses often are taught by lawyers, but sometimes are not. Dean Page Keeton of the University of Texas at Austin Law School suggests that textbooks, written by legal educators, are needed for these courses. He says textbooks written for law school use do not fulfill these other needs.

LEGAL ASSISTANCE FOR THE POOR

The nine Office of Economic Opportunity-funded legal assistance offices in the State were queried about the kinds of services they provide to the poor, the number of attorneys they utilize, and the kinds of services they perceive should be provided. Seven of the nine responded to the questionnaire.

The seven respondents represent a total expenditure of $1,751,443 annually and the work of 59 attorneys. A total of 28,333 clients are served annually. The kinds of cases handled include: Domestic relations, consumer, welfare, landlord-tenant, health, education, legal rights/responsibilities, adoptions, child support, divorce, custody, property problems, employment, probate wills, insurance, misdemeanor/criminal, debts, sales contracts, civil rights, prisoner's rights, social security, juvenile, and immigration.

Legal Services programs, administered by the Texas Office of Economic Opportunity 1971, involved providing legal advice and representation by qualified legal counsel to low-income persons in noncriminal and nonfee-generating cases. Legal advice entailed telling people what to do concerning specific problems, and legal representation to obtain justice was provided in advocacy for the position of an individual or group. Included in the programs were instructions for the poor concerning their rights and responsibilities and the legal resources available to them. Also, legal representation entailed advocacy of reforms to make the legal system more responsive to the needs of the poor.

Cameron County Legal Aid Society also promoted marriage counseling, and conducted seminars on such subjects as real estate protection and consumer credit. EODC of San Antonio and Bexar County conducted a series of consumer education talks entitled "Operation Consumer Alert!" and a personal bail bond program for prisoners worthy of release on their own signature. Community Committee on Youth Education and Job Opportunities in Corpus Christi enlarged their program to meet the influx of clients as a result of problems generated by Hurricane Celia.

During fiscal year 1971, $2,117,067 in new federal funds plus $13,447 in reallocated funds, making a total of $2,130,514, were awarded in Texas for Legal Services.

Grantee	Reallocated Funds	Net New EO Act Funds
EODC of San Antonio and Bexar County	$	$ 328,983
Cameron County Legal Aid Society	1,200	36,641
Dallas Legal Services Foundation, Inc.		329,028
El Paso Community Action Program, Project BRAVO, Inc.	2,500	117,790
Harris County Community Action Association		894,292
EOAC of Waco and McLennan County	703	51,500
Community Committee on Youth Education and Job Opportunities, Corpus Christi	9,044	111,392
Human Opportunities Corporation of Austin and Travis County		178,415
Laredo-Webb County Community Action Agency		69,036
TOTAL	$13,447	$2,117,067
TOTAL FEDERAL FUNDS ALLOCATED (Reallocations Plus New Funds)		$2,130,514

RESOLUTIONS FROM BAR ASSOCIATIONS

The State Bar of Texas, the Junior Bar of Texas, and eight local bar associations have urged caution in expanding law schools, citing an "excess supply of licensed attorneys," which "could well result in deterioration of the ethical standards inherently necessary in the profession."

COMPARISON WITH OTHER STATES

While many Texas attorneys are convinced Texas has more lawyers than necessary for the optimal public good, Texas' rank as to population and to number of attorneys is the same—fourth in the nation. (See Table 4)). In 1970 Texas had 5.51 percent of the people in the nation and 5.37 percent of the attorneys in the nation.

Table 5 shows how Texas compares with other states in the production of lawyers. Texas produced 5.9 percent of the new law graduates in 1971, ranking fifth in the nation. Table 6 presents population per new law graduate in Texas as compared with other states. Such industrial states as Illinois, Michigan, Pennsylvania, and Ohio are behind Texas in the per capita production of new lawyers.

THE QUESTION OF EXCELLENCE

Deans of the existing Texas law schools, asked by Chairman Leon Jaworski to respond to questions regarding the influence of a new law school on the competitiveness and thus the excellence of legal education in Texas, responded thoughtfully and in agreement. The law school deans believe further competition in legal education in Texas would be counter-productive.

Excerpts from the responses:

Dean Ernest A. Raba, St. Mary's University Law School—"The tax-supported schools and the non-tax supported schools have to seek financial assistance from private sources to attract and keep distinguished professors in the money market of competitive law practice.

"As a matter of fact, there is not enough tax money to finance adequate public legal education, and private legal education is to a very great extent dependent on tuition income. All of the law schools in Texas should be striving for excellence.

"Dilution of funds by further competition cannot and will not enhance quality legal education. The great State of Texas, to date, with all of its law schools, is not perfecting graduate work in law. In fact, graduate work is minimal throughout the State, even though several schools have been making great sacrifices to carry on graduate programs. It would occur to us that Texas should become the center of graduate and specialized training for the legal profession for active practice and for future teachers in our law schools. What we are basically talking about is money support from the taxpayer for the public institutions and the private individual for the privately owned or secular institutions.

"...Watering down legal education will only lower the excellence of competition."

Dean Richard Amandes, Texas Tech University Law School—"The only way in which I believe the creation of additional law schools, assuming that they would be appropriately supported financially, would raise the excellence of graduates of law schools in Texas, would be in permitting the existing and the new law schools to reduce their current enrollments, thus producing an atmosphere more conducive to quality professional education. Obviously this is particularly applicable to the University of Texas, but as enrollments continue to grow it will be more and more applicable to other law schools as well.

"...One method of raising the quality of the product currently graduating from Texas law schools would be to raise the quality of the bar examination being administered to them. Our $40 fee per applicant for the examination, one of the lowest in the nation, does not permit Texas to employ many of the more advanced procedures in vogue elsewhere. Our examiners are doing a most adequate job considering the current procedures but those procedures could stand some change. With an examination of better quality and, frankly, greater difficulty than is currently being offered, those students preparing for the practice of law, and thus at least in the first instance the bar examination, might be motivated to work harder in law school than they now do."

Dean Angus S. McSwain, Jr., Baylor University School of Law—"Competition among law schools in terms of the quality of legal education offered is related to competition for students, but this relationship is not a direct and immediate one. Where there is a shortage of students in relation to the capacity of law schools, each law school must undertake active recruiting programs and public relations programs to obtain its share of students. Students are one-time-only customers, and therefore the law school must be 'sold' to each new group of prospective students. While a law school would benefit in this regard from a good reputation with its alumni and the profession, nonetheless one of the major considerations, and perhaps the major con-

sideration, in attracting students is the 'image' projectee by the law school by its advertising and recruiting efforts.

"If this is true, the survival of a law school at a time of student shortage might well depend on its advertising efforts rather than on its basic quality, since the advertising reaches prospective students in a much more immediate way than the reputation of quality. Substantial law school resources would therefore need to be diverted to recruiting and advertising, and would not be available for the improvement of the quality of the educational experience. Perhaps I am being too pessimistic about this feature of legal education, but I believe that in a time of student shortage it would be a very real problem. The main points here, I believe, are that competition in quality is not quite the same thing as competition for students, and that competition for students could very well become a matter of survival. This brings me to my second main point.

"It would be entirely possible for the State of Texas to damage severely the private law schools in the state by creating enough additional capacity for law students in state-supported law schools.

"I believe that the current high application rate for all law schools will decline sharply within the next few years. Statistics indicate that the job market will become more difficult, and prospective students will know this. The current euphoria in legal education concerning the great number of applicants will vanish as the number of applicants drops, and all of us will be back in the position of competing for good students. This is not a bad thing, as good students should have a choice in the law school they attend. Carried to an extreme, however, in the situation where there are many more places for law students than there are qualified applicants, it would mean that some of our law schools might be faced with the choice of ceasing to exist or continuing to exist by admitting substandard students.

"The private law schools in the state depend in large part on their tuition income. None of them are wealthy enough to do otherwise. If not enough qualified applicants could be enrolled the inclination would be to enroll enough students, almost regardless of qualifications, to survive financially. In this sense additional competition among law schools for students could be destructive of the general quality of legal education in the state. As mentioned above, competition for students in a time of shortage would in itself divert law school resources which could be otherwise applied to innovative ideas and general improvement of quality."

Dean John B. Neibel, University of Houston College of Law—"This has been the sad history of American legal education for the last 50 years. Many law schools are run as proprietary institutions. Sadly, this is true of many state law schools, in the sense that they are renumerated by formulae based upon the number of student credit hours they produce each year. So, the reward and motive for law schools is to get greater numbers of students in classes. When there are empty class seats available, the law schools will lower their admission standards and use other devices to attract students into those seats. It can reach the ridiculous proportions noted in California and Atlanta, Georgia, where law schools become diploma mills with no pretense at all of academic standards. Also, this financial fact of life forces law schools into cramming as large a number of bodies as possible into each professor's class.

"In the last two years for the first time American law schools generally have been able to raise their standards and run, at least, decent operations. They are able to do this because there are enough qualified students this year to fill the available seats. The creation of additional new seats in the state or nation for law students will tend to weaken the quality of legal education—and not strengthen it.

"The only way to add new law schools and yet strengthen the existing law schools—either private or state operated—is to assure the law schools adequate financial support not based upon the number of students taking courses in that particular school. If the schools had adequate financial support then they could compete with each other on the basis of quality of their work and attractiveness of their graduates, rather than upon the number of students enrolled for credit courses...there is in every law school an internal dynamic that pushes the people in it towards ever higher standards of academic performance. But as long as the financial base of the school is dependent upon the number of students enrolled in the school, there will be students there regardless of the impact on the academic excellence of the institution..."

TABLE 4

States: Population-Lawyer Ratio, 1970*

State	Population	No. of Lawyers	Population per Lawyer	Rank in Country: Population	Rank in Country: No. of Lawyers	Percentage: Of U.S. Population	Percentage: Of U.S. Lawyers	Percentage Change 1963-1970: Population	Percentage Change 1963-1970: Lawyers
Alabama	3,444,000	3,537	974	21	28	1.70	1.0	-2.08	16.3
Alaska	302,000	466	648	51	51	.15	.13	11.03	51.3
Arizona	1,772,000	2,769	640	33	31	.87	.78	9.52	24.0
Arkansas	1,923,000	2,107	913	32	35	.95	.59	-1.64	9.34
California	19,963,000	34,248	583	1	2	9.82	9.64	5.52	20.53
Colorado	2,207,000	4,665	473	30	24	1.09	1.31	11.63	16.56
Connecticut	3,032,000	5,583	543	24	19	1.49	1.57	5.46	15.63
Delaware	548,000	736	745	47	48	.27	.21	7.03	19.96
District of Columbia	757,000	16,112	47	41	6	.37	4.54	6.31	11.46
Florida	6 789,000	11,510	590	9	11	3.34	3.24	14.21	20.53
Georgia	4 590,000	6,140	748	15	16	2.26	1.73	2.94	12.37
Hawaii	770,000	906	850	40	42	.38	.26	7.24	36.65
Idaho	713,000	848	841	43	43	.35	.24	2.74	10.27
Illinois	11,114,000	22,036	504	5	3	5.47	6.2	3.66	8.49
Indiana	5,194,000	5,778	899	11	18	2.56	1.63	5.61	10.98
Iowa	2,825,000	4,020	703	25	26	1.39	1.13	2.8	5.51
Kansas	2,249,000	3,458	650	28	29	1.11	.97	-.04	11.04
Kentucky	3,219,000	3,875	831	23	27	1.58	1.09	1.13	9.0
Louisiana	3,643,000	5,502	662	20	20	1.79	1.55	1.11	14.03
Maine	994,000	1,130	880	38	40	.49	.32	1.12	10.78
Maryland	3,922,000	7,447	527	18	13	1.93	2.10	8.55	15.2
Massachusetts	6,689,000	12,905	518	10	8	3.29	3.63	24.26	13.66
Michigan	8,875,000	11,753	755	7	10	4.37	3.31	5.98	14.98
Minnesota	3,805,000	5,844	651	19	17	1.87	1.64	6.4	12.64
Mississippi	2,217,000	2,766	802	29	32	1.09	.78	-4.73	10.41
Missouri	4,677,000	7,962	587	13	12	2.3	2.24	3.75	3.51
Montana	694,000	1,072	647	44	41	.34	.3	-1.14	10.51
Nebraska	1,484,000	2,679	554	35	33	.73	.75	3.65	6.09
Nevada	489,000	773	633	48	47	.24	.22	7.71	27.13
New Hampshire	738,000	823	897	42	45	.36	.23	8.37	17.57
New Jersey	7,168,000	11,999	579	8	9	3.53	3.38	3.91	14.29
New Mexico	1,016,000	1,319	770	37	39	.50	.37	5.87	14.49
New York	18,191,000	55,946	325	2	1	8.95	15.75	.37	7.18
North Carolina	5,082,000	4,638	1,095	12	25	2.5	1.31	1.64	8.38
North Dakota	618,000	809	764	46	46	.30	.23	4.92	8.59
Ohio	10,652,000	17,001	627	6	5	5.24	4.79	3.37	8.25
Oklahoma	2,559,000	5,056	506	27	22	1.26	1.42	4.11	4.14
Oregon	2,081,000	3,207	611	31	30	1.02	.90	6.45	12.72
Pennsylvania	11,794,000	14,418	818	3	7	5.8	4.06	1.83	11.64
Rhode Island	950,000	1,390	683	39	37	.47	.39	5.79	14.78
South Carolina	2,591,000	2,379	1,089	26	34	1.28	.67	.19	13.61
South Dakota	666,000	826	808	45	44	.33	.23	-2.35	10.87
Tennessee	3,924,000	5,184	757	17	21	1.93	1.46	1.06	8.65
Texas	11,197,000	19,074	587	4	4	5.51	5.37	4.14	16.78
Utah	1,059,000	1,367	775	36	38	.52	.38	5.96	8.4
Vermont	445,000	611	728	49	49	.22	.17	9.88	19.1
Virginia	4,648,000	6,893	674	14	14	2.29	1.94	3.12	18.86
Washington	3,409,000	4,671	730	22	23	1.68	1.32	13.4	14.37
West Virginia	1,744,000	1,820	958	34	36	.86	.51	2.79	3.05
Wisconsin	4,418,000	6,697	660	16	15	2.17	1.88	6.18	7.37
Wyoming	332,000	475	699	50	50	.16	.13	9.12	2.81

*From *The 1971 Lawyer Statistical Report*, Edited by Bette H. Sikes, Clara N. Carson, and Patricia Goral, American Bar Foundation, Chicago, Ill., 1972.

TABLE 5

States: Production of New Law Graduates, 1971

State	No. of Law Graduates	Percent of Total
Alabama	188	1.0
Arizona	182	1.0
Arkansas	114	.6
California	2,158	11.8
Colorado	285	1.5
Connecticut	289	1.5
District of Columbia	1,188	6.5
Florida	536	2.9
Georgia	236	1.3
Idaho	31	.2
Illinois	926	5.0
Indiana	385	2.1
Iowa	167	.9
Kansas	183	1.0
Kentucky	207	1.1
Louisiana	357	1.9
Maine	47	.3
Maryland	93	.5
Massachusetts	1,498	8.2
Michigan	799	4.4
Minnesota	210	1.1
Mississippi	93	.5
Missouri	302	1.7
Montana	36	.2
Nebraska	145	.8
New Jersey	342	1.9
New Mexico	57	.3
New York	2,315	12.6
North Carolina	312	1.7
North Dakota	35	.2
Ohio	657	3.6
Oklahoma	191	1.1
Oregon	224	1.2
Pennsylvania	710	3.9
Puerto Rico	238	1.3
South Carolina	162	.9
South Dakota	50	.3
Tennessee	285	1.5
Texas	1,073	5.9
Utah	106	.6
Virginia	375	2.0
Washington	157	.9
West Virginia	72	4
Wisconsin	279	1.5
Wyoming	33	.2
TOTAL	18,319	100%

Source: Number of law graduates per state was computed from number of degrees awarded in 1971 by law schools on the approved list of the American Bar Association, as published in *Review of Legal Education*, American Bar Association, Fall 1971. Percentages were computed by Coordinating Board staff.

TABLE 6

Number of New Lawyers Per Capita - Per State 1971

State	Population[1]	No of Law Graduates[2]	Per Capita Pop. Per Law Graduate[3]
Alabama	3,444,000	188	18,320
Arizona	1,772,000	182	9,736
Arkansas	1,923,000	114	16,868
California	19,963,000	2,158	9,251
Colorado	2,207,000	285	7,744
Connecticut	3,032,000	289	10,491
District of Columbia	757,000	1,188	637
Florida	6,789,000	536	12,666
Georgia	4,590,000	236	19,449
Idaho	713,000	31	23,000
Illinois	11,114,000	926	12,002
Indiana	5,194,000	385	13,491
Iowa	2,825,000	167	15,916
Kansas	2,249,000	183	12,290
Kentucky	3,219,000	207	15,551
Louisiana	3,645,000	357	10,204
Maine	994,000	47	21,149
Maryland	3,922,000	93	42,172
Massachusetts	6,689,000	1,498	4,465
Michigan	8,875,000	799	11,108
Minnesota	3,805,000	210	18,119
Mississippi	2,217,000	93	23,839
Missouri	4,677,000	302	15,487
Montana	694,000	36	19,278
Nebraska	1,484,000	145	10,234
New Jersey	7,168,000	342	20,959
New Mexico	1,016,000	57	17,825
New York	18,191,000	2,315	7,858
North Carolina	5,082,000	312	16,288
North Dakota	618,000	35	17,657
Ohio	10,652,000	657	16,213
Oklahoma	2,559,000	191	13,398
Oregon	2,081,000	224	9,290
Pennsylvania	11,794,000	710	16,611
South Carolina	2,591,000	162	15,994
South Dakota	666,000	50	13,320
Tennessee	3,924,000	285	13,768
Texas	11,197,000	1,073	10,435
Utah	1,059,000	106	9,991
Virginia	4,648,000	375	12,395
Washington	3,409,000	157	21,713
West Virginia	1,744,000	72	24,222
Wisconsin	4,418,000	279	15,835
Wyoming	332,000	33	10,061

(1)State population data as reported in the 1970 Decennial Census of the U.S.

(2)See Table 5

(3)Per capita population per law school graduate computed by Coordinating Board staff.

What Are Employment Opportunities For Persons With Legal Education?

Texas law schools are graduating some 1,100 new lawyers each year—5,500 each five years. The law firms responding to the staff questionnaire regarding status of opportunities for newcomers to the profession indicated that law firms in the state probably can easily absorb about 1,500 new lawyers during the next five years.

What, then, will happen to the others?

The situation in Texas, like the rest of the nation, in placement of new law graduates has become a buyers' market—serious for the new graduates, but apparently far from grim. The graduates have to work harder to find a desired placement and do not have the breadth of choice available only a few years ago.

An article in *The Austin American*, October 19,1972, copyrighted by *Newsday*, describes the change in employment opportunities:

"There was a time when young lawyers graduated from law school, hung out a shingle, set up their own practice—and often starved. That all changed in the last 20 years as an accelerating trend saw most law school graduates employed by corporate legal departments, law firms and government. Things became so good, prospects so rosy and salaries so high that more people wanted in on the good thing.

"And as usually happens when too many people want to share the spoils, pretty soon there is nothing to share."

The article concludes: "The best advice to an individual is that he be a good student and attend a prestigious law school. Sheila Brown, director of recruiting for Davis, Polk and Wardwell, one of the 10 largest law firms on Wall Street, says that graduates from the Ivy League, New York University, Virginia, Stanford, Texas, Michigan, and Duke, among others, have it all over grads from schools like Brooklyn, St. John's, Fordham, and Rutgers."

The situation was underlined by the concern of a 1972 graduate of Harvard Law School waiting for results of the administration of the New York Bar Examination: "Frankly, I'm very scared. Only 70 percent of Harvard students pass the N.Y. Bar the first time they take it. The percentages are higher at (name of N.Y. law school), since they spend all their three years getting ready for the test. Harvard is too proud to be practical. There is a saying that (name of school) students pass the bar but are unemployed, while Harvard students fail the bar and are employed. Corporate law firms, which do the big business in New York, will not even interview the valedictorian of (name of school)—hiring him would be bad for 'image.' The Ivy League elitism which pervades the East is really a bit much, but who can argue with the mores of Good Blood?"

In Texas, part of the placement problem is geographical. Mrs. Mettie R. Brown, director of the law school placement service at The University of Texas at Austin, says "jobs are available in West and South Texas if students would take them."

Deans of the eight Texas law schools were queried about the kinds of salaries a new graduate may expect. Five deans responded.

Southern Methodist University Law School Dean Charles O. Galvin reports the salary range for the lower half of the 1972 class as $8,400 - $10,500; for the upper half, a salary range of $9,000 - $16,000. Texas Southern's graduates average $12,500 to begin; UT/Austin's top fourth begins at $13,200 - $16,000 while the remaining three-fourths average $10,000 - $12,000.

Baylor's range is from $7,800 to $15,000. Texas Tech reported a $9,600 average. All except Texas Southern reported placement of graduates is becoming more difficult and more competitive.

Tightening of the employment market was also noted from the other side of the street—from the employers. Of the 306 law firms responding to the Coordinating Board questionnaire, only 209 answered the question concerning salary ranges for new law school graduates. The amount of salary the firms indicated they would expect to pay a young attorney with no experience except that received in law schools is as follows:

Salary Ranges	No. of Firms
Over $15,000	3
$10,000 - $15,000	20
$ 9,000 - $10,000	28
$ 8,000 - $ 9,000	44
$ 7,000 - $ 8,000	37
$ 6,000 - $ 7,000	32
$ 5,000 - $ 6,000	32
$ 4,000 - $ 5,000	8
$ 0 - $ 4,000	5

The law firms would seem to expect to pay law school graduates less than the amounts which deans of Texas law schools report their graduates can expect. More than half of the firms (114) responding to the sal-

ary question indicated they would expect to pay a beginning attorney less than $8,000 per year, while only 23 firms expected to pay new law school graduates beginning salaries of more than $10,000. The three firms who indicated beginning salaries would be more than $15,000 were large firms located in large cities.

Pertinent comments from the 306 law firms responding included:

"We have more lawyers than the population will justify—young men coming in during the past 5 or 6 years." — Brownwood

"The very high number of applications received daily by this firm, coupled with the comments of graduating students, indicate a very 'tight' job market this year (and last) for young lawyers." — Houston

"We have noticed lately that there seem to be a great number of young lawyers applying for jobs. Since we are fairly isolated, it was formerly difficult to get new young lawyers here in the Valley; but that is no longer true." — McAllen

"It is my opinion that you are already turning out more attorneys than can be absorbed by the legal profession. Within the last year we have had numerable applications for work and association. We have no difficulty hiring attorneys." — Kilgore

"This attorney feels that there is a large surplus of licensed attorneys in Texas; the profession is dangerously overcrowded. This licensing process should be slowed or stopped until the slack is taken up. The overcrowding has adversely affected the fee picture and lowered the quality of the legal product produced." — Freeport

"It is my personal opinion that the supply of attorneys greatly exceeds the demand and need for attorneys, and will continue to do so in the foreseeable future." — San Antonio

"We don't find may months going by in which we don't receive inquiries of young men and ladies who haven't been able to obtain employment as lawyers." — Dallas

"I have seen a situation develop the last few years that I do not feel is good for our profession. First, let me say, I practice in a small county with a declining population. We have not had a new attorney come to this city for some fifteen years and there is not now adequate additional business to support any new lawyer. However, during the last two years, possibly 15 recently graduated lawyers have contacted me pertaining to possible openings. Some have tried to practice in the cities, particularly Waco, and tell me that due to the increased number of lawyers, they could not make a living." — Marlin

"All of the really capable lawyers we know stay busy. Unfortunately there are many lawyers who are not very capable and are not very busy. This would seem to indicate that an upgrading in quality rather than an increase in numbers is what is needed." — Graham

"We represent primarily business clients—and find that the lack of maturity and work experience of most law school graduates reduces their value considerably. We would hope that such legal education programs as are developed leave room for the persons with a background of several years experience 'in the world' to enter law school. We need *them*!" — Texas City

"We have had more applications in the last year than ever before—both from out-of-state and in-state." — Fort Worth

"I personally do not think we need more law schools. I feel we need to encourage young lawyers to come to the small towns. Believe it or not, there is plenty of business in the small town." — Morton

"The point is there are more than enough lawyers around. However, so many are totally inexperienced and not really prepared by the law schools and are thus a burden, for a considerable period, on small firms. Legal education should not be expanded in numbers—but quality—by perhaps more strict admission requirements and some type of intern program. The real need is for trained legal assistants (clerks) but if they are around I don't know about them." — Bryan

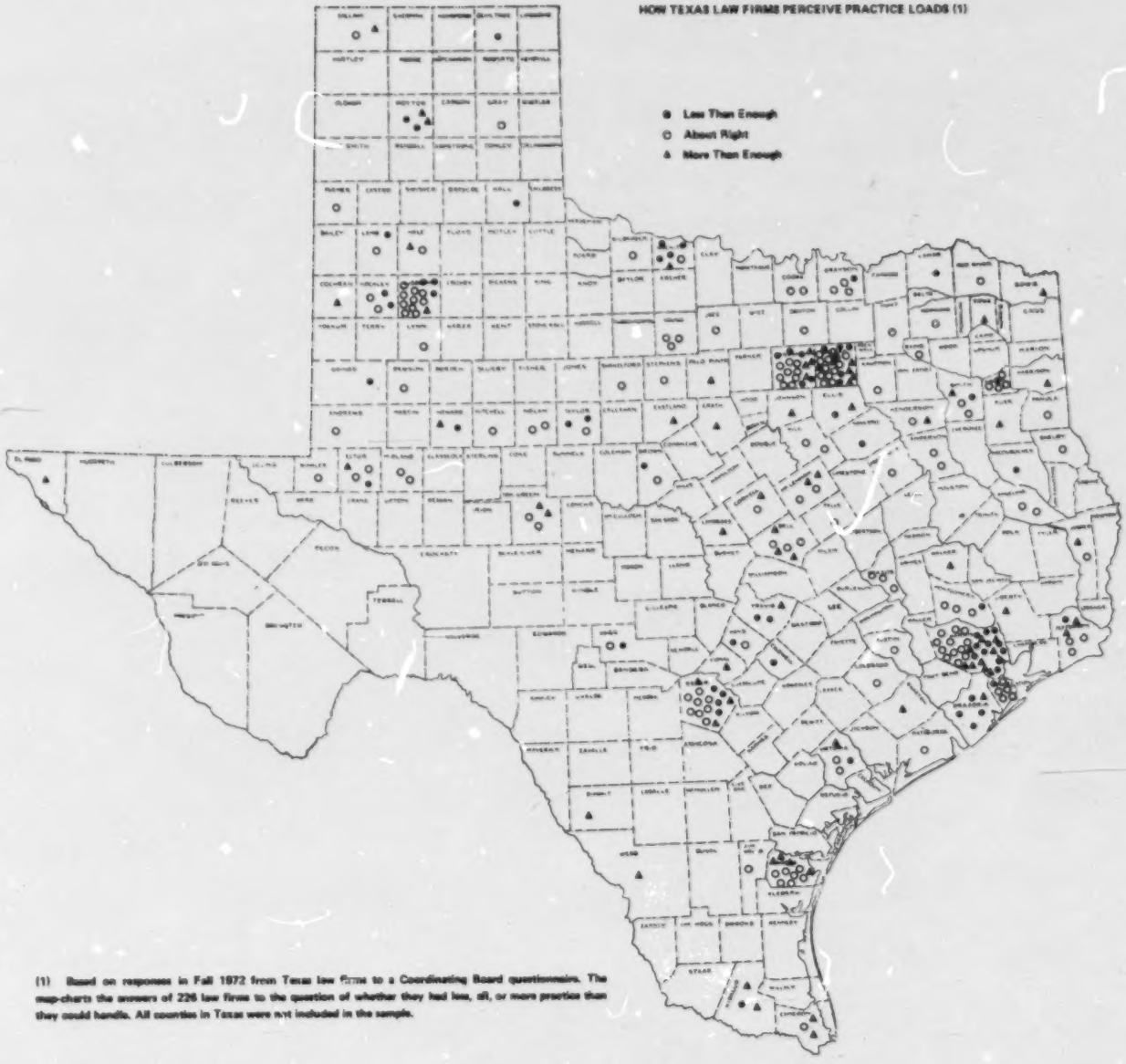
WORK LOADS HOLD UP

Despite response from law firms that the profession is overcrowded, most firms have adequate work loads, with some geographical differences.

Of the 309 firms returning questionnaires, 226 answered the question, "Do you have less practice than you can handle, all the practice you can handle, or more practice than you can handle?" Of those responding, 54 firms (24 percent) said they had less practice than they can handle; while 52 (23 percent) said they had more than they can handle. The remaining 120 (53 percent) said they had all the practice they can handle.

The map entitled, "How Texas Law Firms Perceive Practice Loads," shows the geographic distribution of those firms who reported too little, enough, and more than enough practice.

HOW TEXAS LAW FIRMS PERCEIVE PRACTICE LOADS (1)



(1) Based on responses in Fall 1972 from Texas law firms to a Coordinating Board questionnaire. The map charts the answers of 226 law firms to the question of whether they had less, all, or more practice than they could handle. All counties in Texas were not included in the sample.

What Would an Additional Public-Supported Law School Cost?

A new law school would cost the State of Texas:

$2,500,000	Construction of Law School Facility
500,000	Initial Library Acquisitions
500,000	Annual Instructional Costs
300,000	Annual Upkeep of Library, Including Personnel, Books, and Supplies

The estimated cost of construction of a new law school facility is based on the costs for the building of Texas Tech University's School of Law. The cost of library acquisitions is based on information received from law school librarians and others intimately acquainted with the rising costs of law library acquisitions. The annual instructional costs and annual cost of library updating are estimates based on costs at other new law schools. These costs do not include additional central administrative costs for the parent universities nor student loan costs.

For the 1973-75 biennium, the institutions seeking new law schools have made the following appropriations requests for operating expenses only during start-up period.

	1974	1975
University of Texas/Dallas	$227,500	$240,500
Texas A&M University	99,226	366,400
North Texas State University	100,000	200,000

CURRENT COSTS OF LEGAL EDUCATION

The State of Texas in Fiscal 1972 spent $2,624,341 on annual instructional costs at the four public-supported law schools—$1,326,081 at the University of Texas at Austin, $577,548 at the University of Houston, $207,035 at Texas Southern University, and $513,659 at Texas Tech University.

The public-supported law schools reported as of November 1972 capital investments in physical plants of $9,475,489, with replacement costs estimated at $14,000,000.

Findings from Legal Education Study

Principal findings of the three-month intensive study of legal education in Texas include:

1. Virtually all Texas applicants possessing required qualifications for admission are being enrolled in Texas law schools, if they make application to as many as three law schools and if they complete enrollment prerequisites. (Out of 1,301 "qualified" Texas residents who applied for admission in the fall of 1972, only 102 were denied admission. However, 221 Texas applicants with index scores judged inadequate by institutions were nevertheless admitted by those same institutions.)
2. Sixty-seven percent of the individuals applying to Texas law schools applied to only one institution. The probability of admission increases if the applicant applies to more than one institution. In fact, 71 percent of all applicants who applied to at least three institutions were enrolled or not denied.
3. Texas law schools graduated 5.9 percent of the new law graduates in the nation in 1971. This percentage is consistent with Texas' population and total lawyer supply. Texas had 5.51 percent of the nation's lawyers.
4. Employment opportunities for new Texas law school graduates are becoming tighter; graduates must work harder to find desired substantial placement and do not have the wide choices available only a few years ago.
5. While some 375 law courses are offered outside of law school by Texas colleges and universities, more are needed in certain disciplines.

Advisory Committee Recommendations

After careful study of all information available and after listening carefully to the proposals of the institutions seeking law schools and/or expansion of legal education, the Advisory Committee recommends:

1. *That no new law school be established in Texas at this time and that the Coordinating Board deny at this time all proposals to establish new law schools and/or to initiate new legal education programs.*
2. *That institutions give consideration to including in the curriculum courses of law, better to prepare those not intending to practice law to pursue their specialty, e.g., that more and better law courses be offered within departments such as Business, Architecture, Engineering, Education, Communications, and others.*
3. *That law schools in Texas work toward developing and obtaining funding for strong clinical components, and that the art of advocacy be made a required part of the law curriculum with practice court experiences in both civil and criminal procedures.*
4. *That there be developed, in cooperation with State Bar of Texas committees, paralegal programs to train persons to work as assistants to lawyers.*
5. *That funds be made available for all tax-supported law schools to the maximum degree consistent with other needed appropriations. Presently, the availability of funds to such law schools is inconsistent among institutions and often inequitable.*

A minority report, submitted by the Chairman and two Committee Members make the following additional recommendation:

That if Texas A&M University and South Texas College of Law, which four years ago presented to the Coordinating Board a joint proposal for consolidation, should now have a renewed interest in such a merger, the Coordinating Board should give its consideration thereto in the light of present circumstances.

Addendum

The Coordinating Board, Texas College and University System formally accepted on March 2, 1973, the final report of its Advisory Committee on Legal Education. In response to the report, the Coordinating Board took the following action:

The following four Committee recommendations were adopted as Coordinating Board positions:

1. *That no new law school be established in Texas at this time, and that the proposals from Texas A&M University, the University of Texas at Dallas, and North Texas State University for new law schools be turned down, and that the proposals from North Texas State University (for a Department of Legal Studies) and from Southern Methodist University (to contract to provide places in the SMU Law School for Texas residents) also be denied.*
2. *That institutions give consideration to including in the curriculum courses of law, better to prepare those not intending to practice law to pursue their specialty, e.g., that more and better law courses be offered within departments such as Business, Architecture, Engineering, Education, Communications, and others.*
3. *That law schools in Texas work toward developing and obtaining funding for strong clinical components, and that the art of advocacy be made a required part of the law curriculum with practice court experiences in both civil and criminal procedures.*
4. *That there be developed, in cooperation with State Bar of Texas committees, paralegal programs to train persons to work as assistants to lawyers.*

A fifth recommendation from the Committee regarding funding of state-supported law schools was referred to the Coordinating Board's Formula Advisory Committee for further study. The Formula Advisory Committee was further requested to recommend to the Board any changes it deemed necessary to provide adequate funds and insure the equitable distribution among institutions of funds available.

The Coordinating Board received as information a minority report from three members of the Legal Advisory Committee recommending that the Board consider any future joint proposal for consolidation from Texas A&M University and South Texas College of Law.